

with convictions for these misdemeanors and they can carry a firearm legally under JOHN THUNE's amendment.

Let me say, finally, they realize, too, that if you happen to be a drunk driver in a State—17 States—you can still get a concealed carry permit. It does not matter how many times you have been convicted for DUIs, whether you are a habitual drunkard, an alcoholic, you can still get a concealed carry permit in 17 States. Senator THUNE wants those people to be able to drive into your State, where you say, frankly, you cannot have a concealed carry permit if you cannot handle alcohol—he wants them to be able to come into those States and to have the right to carry a firearm.

Will that make us safer? The men and women in uniform, who went out this morning and are out there right now protecting us, say no. And that is what we ought to say to the Thune amendment: No.

THE PRESIDING OFFICER. The Senator's time has expired.

The Senator from South Dakota.

Mr. THUNE. Mr. President, let me point out what I pointed out earlier. This amendment does not apply to the District of Columbia. But I also want to come back to a basic point; that is, how did we get here today? Why are we here? Well, we are here, supposedly, to be talking about the Defense authorization bill. But last week the Democratic leadership decided to put a hate crimes amendment on the floor as the first amendment to the Defense authorization bill—unrelated, non-germane to the underlying Defense authorization bill.

The hate crimes bill, it could be argued, preempts a lot of State laws because a lot of States have their own laws with regard to hate crimes. But we decided here—the Democratic leadership did—that it was more important to talk about hate crimes legislation than it was to talk about defense-related amendments.

Well, my view was, they are going to offer a hate crimes amendment on the floor of the Senate. What better way to prevent hate crimes than to allow the potential victims of hate crimes to defend themselves against those very hate crimes? So I was going to offer this amendment, this concealed carry amendment, as a second-degree amendment to the hate crimes amendment that was put on the floor last week by the Democrats. The leader filled the tree, preventing us from doing that. So we worked it out to have this debate and to talk about this amendment today. But it ties in very closely to the hate crimes amendment, the legislation we have had on the floor of the Senate for the last week when we should have been talking about Defense authorization issues.

But that being said, I will come back to my basic fundamental point. This is a commonsense amendment that strikes a balance between the constitu-

tional right the people in this country enjoy under the second amendment to keep and bear arms—and which has been supported by the Supreme Court, I might add—and the rights of States under federalism to restrict that according to their own wishes and laws. And every State does that differently. This amendment does not preempt those.

The States of Wisconsin and Illinois prevent concealed carry permit holders, and so there is not anybody in this country who is going to be able to travel through Illinois or Wisconsin and carry a gun because they just do not allow it. So it respects the rights of the individual States. But it does allow law-abiding citizens in this country to exercise their constitutional right under the second amendment, and that right should not end at State lines. State borders should not be a barrier to an individual's right to defend themselves.

I believe the studies are very clear. As I have said earlier—they are all speculating about all the crimes that are going to be committed—people, concealed carry permit holders, if you look at the data, are 15 times less likely than the rest of the public to commit murder. Criminals commit crimes, not law-abiding citizens, not people who go down to their courthouse to get a concealed carry permit so they can defend themselves against the very criminals who routinely break the laws and possess firearms illegally so they can commit crimes.

This is a reasonable, commonsense balance which I believe strikes the right balance between the constitutional second amendment right citizens in this country enjoy and the States' ability to restrict that right. And any concealed carry permit holder who has a concealed carry permit in their State of residence who travels to another State has to abide by and is subject to the laws that are enacted by that individual State.

So, Mr. President, I hope my colleagues will vote for what is a commonsense amendment that allows people across this country who are law-abiding citizens to defend themselves from the very criminals who break those laws and try to commit these crimes.

Mr. President, I yield the floor.

Mr. LEVIN. Mr. President, under current law each State adopts and enforces their own eligibility standards for who is qualified to obtain a concealed carry permit. Carrying a concealed weapon is a crime if those eligibility standards are violated and a citizen of that State carries a concealed weapon. For example, 35 States prohibit those with criminal misdemeanor convictions from obtaining a concealed carry permit.

The Thune amendment would federally authorize an individual who has been issued a concealed carry permit in one State the right to carry a concealed weapon in 47 other States, even

though those other States prohibit an individual who resides in those other 47 States from carrying a concealed weapon. A Federal standard is thereby imposed on the States.

The 35 States that prohibit criminal misdemeanants from carrying concealed weapons are told under the Thune amendment: You can enforce your own laws regarding your own residents but cannot enforce your own laws against residents of the 13 States who issue concealed carry permits to convicted criminal misdemeanants when those nonresidents visit your State. The laws of those 35 States cannot be applied to all persons in their States—those from 13 other States who get permits under weaker laws are immunized.

A double standard would be adopted and would be imposed on the States.

A terrible precedent of a national standard would also be adopted and imposed on the States, superseding a State's ability should they choose to regulate concealed possession of a firearm in their States by visiting criminal misdemeanants who do not meet their standards for concealed firearms possession.

So while the Thune amendment says it doesn't preempt any provision of State law with respect to the issuance of licenses or permits to carry concealed firearms, that is true only as to residents—it does preempt the right of the States to apply its laws as to who can carry a concealed weapon to all persons in the State, residents and nonresidents alike.

Senator THUNE's statement that everyone must comply with restrictions of States they are in is not accurate then as to the key restriction relating to who can carry concealed weapons.

The amendment will also create serious problems for law enforcement. Law enforcement officials use concealed carry permits as an important tool in combating illegal trafficking. In most States, carrying a firearm without a permit is a crime. The Thune amendment would hamper law enforcement's ability to identify and arrest illegal traffickers before they are able to sell their weapons on the black market, for instance: This is one reason why the amendment is opposed by the International Association of Chiefs of Police, the Major Cities Chiefs Association, Mayors Against Illegal Guns and State Legislatures Against Illegal Guns.

The National Defense Authorization Act is enacted every year to help make this a safer nation. This amendment will not do that. I urge my colleagues to vote against it.

Mr. THUNE. Mr. President, I ask for the yeas and nays.

THE PRESIDING OFFICER. Is there a sufficient second?

There appears to be.

The question is on agreeing to amendment No. 1618.

The clerk will call the roll.

The bill clerk called the roll.